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January 6<sup>th</sup>, 2025

To: Hon. Jennifer E. Willis  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007  
*via ECF*

**Re: Status Report & Request for Discovery Status Conference, Brockmole et al v. EZ Festivals LLC et al., 1:23-CV-08106-MMG-JW**

Dear Judge Willis:

I represent Plaintiffs Avchukov, Chappat, Pereira, and Iyer, and I write to update the Court on the status of discovery and settlement in this litigation.

The fact discovery deadline for this case is presently: today. See Scheduling Order, ECF No. 91. Despite serving our requests for production on June 14<sup>th</sup>, 2024, despite the initial deadline for that response being 30 days (July 14<sup>th</sup>, 2024), and despite fact discovery closing today, we are still waiting for Defendants' electronically stored information. We have worked in good faith with opposing counsel to attempt to facilitate the transfer of this information, including multiple extensions and an offer to limit our requests to minimize the burden upon them, but we have still received nothing.

Further, this case is scheduled for a settlement conference in March. See Minute Orders, December 4<sup>th</sup>, 2024. However, as of today, Defendants have not even responded to Plaintiffs' written settlement offer made October 21<sup>st</sup>, 2024. We have asked many times for a response, but have been told that further review must be done.

In light of this, I am concerned that a settlement conference will not have a meaningful chance of success unless Defendants promptly work in good faith towards the resolution of this case – nor can the case progress towards a trial if Defendants will not turn over discoverable information. Both sides still need to schedule depositions of lay witnesses and consider the

expert witnesses that will be necessary; at least on Plaintiffs' side, we cannot do so until we are able to review written discovery responses.

As the Court is aware, Defendants have made a large number of requests for deadline extensions already. As delay serves to prejudice Plaintiffs' interests, we would prefer not to burden all involved with formal motion practice regarding discovery unless there is no alternative. For this reason, I respectfully suggest to the Court that a status conference may be the most efficient vehicle to move this case forward.

Thank you,

/s/Jonathan Corbett

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